

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 59097

Ronald Dantez Edmond
1434 Barrett Road
Baltimore, MD 21207

145 Wilgate Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 8, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 431, failure to remove commercial vehicle (tow truck) in residential area on residential property known as 145 Wilgate Road, 21117.

On June 17, 2009, pursuant to Baltimore County Code §3-6-205, Inspector David Kirby issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: Joseph Enochs, Jr., Tenant, Mr. Lohmeyer, Tollgate Community Association President and, David Kirby, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 11, 2009 for removal of commercial vehicle, noting that a commercial vehicle (tow truck) is not allowed in residential neighborhood. This Citation was issued on June 17, 2009.

B. Inspector Dave Kirby testified that he inspected the property multiple times during April and May 2009 following receipt of a complaint about a commercial tow truck being improperly parked at this residential location, but did not see the truck. He issued the correction notice after Complainant Lohmeyer, who is President of the Tollgate Community Association, gave him a photograph of the truck and advised that the tow truck is parked at night. Inspector Kirby inspected at 8:00 pm on June 17, 2009 and found the tow truck in the driveway. Photographs in the file show a large commercial tow truck with a flatbed, with "Apex Towing" on the doors.

C. Mr. Lohmeyer testified that he passed on a complaint from another neighbor. He further testified that trucks over $\frac{3}{4}$ ton are not supposed to be in the neighborhood. He further testified that the tow truck is parked at night and frequently comes and goes, disturbing neighbors with diesel smells and backing-up alarm. He noted that near the neighborhood there is a storage facility where some trucks and equipment are stored by a landscaping business.

D. Mr. Joseph Enochs is the tenant in this property and works as a tow truck driver. He testified that he has been bringing the truck home because he is on call one or two nights a week and one weekend a month, and is required to be on the scene within 20 minutes when his company is called by police agencies for a tow. He testified that he will not park the tow truck at this location in the future.

E. Commercial vehicles exceeding 10,000 pounds gross vehicle weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. BCZR Section 431.1(A). Parking this tow truck at the house or in the neighborhood violates this zoning regulation. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violation is corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection finds the violation corrected. If the Respondent fails to correct the violation, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.